

Bradley J. Luck
Leah T. Handelman
GARLINGTON, LOHN & ROBINSON, PLLP
350 Ryman Street • P. O. Box 7909
Missoula, MT 59807-7909
Telephone (406) 523-2500
Telefax (406) 523-2595
bjluck@garlington.com
lthandelman@garlington.com

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

WESTERN HERITAGE INSURANCE
COMPANY, an Arizona corporation,
and SCOTTSDALE INSURANCE
COMPANY, an Ohio corporation,

CV 17-162-M-DLC

Plaintiffs,

v.

SLOPESIDE CONDOMINIUM
ASSOCIATION, INC., a Montana
corporation, MATTHEW FOLKMAN,
individually and d/b/a JARAS
CONSTRUCTION,

STIPULATION FOR DISMISSAL
WITHOUT PREJUDICE PURSUANT
TO FED. R. CIV. P. 41(a)(1)(A)(ii)

Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and between the parties,
and in accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(ii), that this
action be dismissed without prejudice. The parties have agreed to re-litigate the

underlying case giving rise to this declaratory action. The parties seek dismissal of this case without prejudice because Plaintiffs and Defendants stipulate to preserve all rights they may have in terms of a declaratory judgment to interpret the policies at issue in this proceeding at a later date (excepting Plaintiffs' defense of late-notice prejudice, which they agree is waived), dependent upon developments in the underlying case.

Plaintiffs and Defendants hereby consent to the dismissal of this action without prejudice.

DATED this 29th day of March, 2019.

Attorneys for Plaintiffs:

GARLINGTON, LOHN & ROBINSON, PLLP
By Bradley J. Duck
Bradley J. Duck

DATED this 28th day of March, 2019.

Attorneys for Defendant Slopeside
Condominium Association, Inc.:

CAPP, JENKS & SIMPSON, P.C.
By Fred Simpson
Fred Simpson

DATED this 27th day of March, 2019.

Pro Se Defendant, himself and on behalf of
Jaras Construction:

By Matthew Folkman
Matthew Folkman